

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TIVO INC.,)	
)	
Plaintiff,)	Case No. 2:12-CV-311 JRG
)	
vs.)	
)	JURY TRIAL DEMANDED
CISCO SYSTEMS, INC., TIME WARNER)	
CABLE INC., and TIME WARNER CABLE)	
LLC,)	
)	
Defendants.)	
)	
)	

JOINT MOTION TO AMEND DOCKET CONTROL ORDER

The parties respectfully and jointly move the Court to amend the Docket Control Order (Dkt. 67) to continue the deadlines for claim construction discovery under P.R. 4-4 and claim construction briefs under P.R. 4-5 (a), (b) and (c) by one week and the deadline for the Joint Claim Construction Chart under 4-5(d) by two days. The current deadlines fall on dates that overlap with the current trial in *Motorola v. TiVo*, No. 5:11-cv-53 (E.D. Tex.), to which both TiVo and Time Warner Cable are parties.

On March 27, 2013, the parties filed a joint motion to continue the deadlines for P.R. 4-1, 4-2, 4-3 and 4-4, which at that time fell on dates coinciding with the pretrial and trial setting in *Motorola v. TiVo*, No. 5:11-cv-53 (E.D. Tex.). On April 1, 2013, the Court entered an order granting this continuance. *See* Dkt. 67. On April 3, 2013, the Court rescheduled the trial in *Motorola v. TiVo*, No. 5:11-cv-53 (E.D. Tex.) to begin on June 10, 2013. As a result of this new trial date, TiVo and Time Warner Cable will be focused entirely on preparing for and participating in the *Motorola v. TiVo* trial at least up to the

June 19, 2013 deadline for compliance with P.R. 4-5(a) (Opening Claim Construction Brief) and submission of Technical Tutorials. Under the circumstances, the short extension that the parties are requesting will help reduce the prejudice of having to focus on trial in the *Motorola* matter and claim construction briefing in this case at the same time. The requested extension adjusts the schedule by a small amount, without impacting the Markman hearing date.

Cisco and Time Warner Cable further respectfully request a two week extension of the Deadline to Substantially Complete Document Production and Exchange Privilege Logs. TiVo does not oppose this request.

The parties agree that modifying the Docket Control Order as reflected below will not impact other dates currently in the Court's schedule.

For these reasons, good cause exists and the parties respectfully and jointly request that the Court enter an Order, in the form of the attached, amending entries on the Docket Control Order (Dkt. 67) as follows:

<u>Current</u>	<u>Proposed</u>	<u>Deadline Event</u>
July 17, 2013	July 19, 2013	Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
July 10, 2013	July 17, 2013	Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
July 3, 2013	July 10, 2013	Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
June 19, 2013	June 26, 2013	Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any)

<u>Current</u>	<u>Proposed</u>	<u>Deadline Event</u>
June 19, 2013	July 3, 2013	Deadline to Substantially Complete Document Production and Exchange Privilege Logs Counsel are expected to make good faith efforts to produce all required documents as soon as they are available and not wait until the substantial completion deadline.
June 12, 2013	June 19, 2013	Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)

A proposed order reflecting the proposed Amended Docket Control Order is being submitted concurrently herewith.

Dated: May 29, 2013

Respectfully submitted,

/s/ Thomas C. Werner

Thomas C. Werner

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this 29th day of May, 2013.

/s/ Thomas C. Werner
Thomas C. Werner